

A SOCIOLOGICAL CASE STUDY OF CRIMINAL INTERROGATION TECHNIQUES

An Undergraduate Research Scholars Thesis

by

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ABSTRACT

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Literature Review

The main academic work used for this thesis is *The Principles of Psychology* by William James (1890). For a modern bridge between the academic and interrogation spheres, I will draw upon various works by Stjepan Mestrovic (2007). The books *Lie Detection and Criminal Interrogation* by Fred Inbau, et al published in 1987 and *Field Manual 34-52 Intelligence Interrogation* by the Department of the Army published in 1992 will be reviewed due to their importance in training Interrogators.

Thesis Statement

This research explores how investigative techniques of interrogation destroy a subject's sense of self and guide them to make inculpatory statements or confessions to be used in a Court of Law.

Theoretical Framework

The theoretical framework for this thesis rests mostly upon William James' theory on "The Consciousness of Self". James has been highly influential in the fields of psychology, sociology, philosophy, and education, but his insights have not yet been used in the field of

criminal justice. This thesis will analyze selected criminal interrogations using James and other theorists of the self that he influenced. When someone is manipulated, their sense of self may form mutations which either create “alterations in memory” or in the “bodily and spiritual selves”.

Project Description

The main theory to be used in this work is the theory of the self by William James. This theory is found in his 1890 book *The Principles of Psychology*. He divides the self into two classes. First are the concepts of the material self, social self, and spiritual self. The second category is the underlying structure which he calls the Pure Ego. When the parts of one’s self are attacked, one’s ability to synthesize these components into a coherent sense of identity becomes problematic and makes one vulnerable. When one develops abnormalities caused by either exterior or interior forces, “mutations of the self” may occur. The two classes for these mutations are 1) alterations of memory and 2) alterations in the present bodily and spiritual selves.

My study is a qualitative approach aimed at analyzing actions and reactions in interrogation in the context of the theories of the self. In the study, I will be reviewing interrogation manuals employed by law enforcement and military special investigators. The study will document how one’s sense of self is gradually manipulated through each step. As a supplement, various examples from footage of military criminal interrogations that became exhibits in Courts Martial cases will be used to document how interrogation practices are implemented. Lastly, excerpts from official records of trial in which both the special investigators and the accused spoke about what actions occurred in the interrogation room and their effect or purpose.

The tactics employed during interrogations of subjects rest entirely on controlling the person and extracting a confession. The manipulation of these subjects often creates adverse, hostile conditions and in many instances has led to faulty testimony. This research reviews these actions through the lens of James' theory to explain how a subject's sense of self is diminished and then guided to produce confessions.

KEY WORDS

ATP	Army Training Publication
FM	Field Manual
UCMJ	Uniform Code of Military Justice
SA	Special Agent
CID	Criminal Investigation Division
SGT	Sergeant
SFC	Sergeant First Class
1SGT	1 st Sergeant
CPT	Captain
MSG	Master Sergeant
ROT	Record of Trial
MJ	Military Judge
TC	Trial Counsel (Lawyer)
DC	Defense Counsel
CDC	Civilian Defense Counsel
ACC	Accused, or the defendant in a Court Martial

INTRODUCTION

The process of modern criminal interrogation has only been around for about 90 years. Before the mid 1930's, law enforcement relied upon interrogation by physical methods or 'the third degree' as it is sometimes called. After these tactics were uncovered by the Wickersham Commission Report, there was a push to move away from such barbaric treatment of custodial suspects (Woody 2020, 18).

At the forefront of developing the new, psychological methods of interrogation were two men. Fred E. Inbau, a graduate from both Tulane and Northwestern, became the director of the Chicago Police Scientific Crime Detection Laboratory in 1938. Shortly after taking this billet, he became acquainted with John E. Reid. This duo would go on to create one of the most used and influential manuals for this new wave of interrogation which relied upon psychological techniques to get confessions.

Due to how new and different these techniques were to past methods of obtaining confessions, there were very few safeguards. It took until the 1960's for the Supreme Court to investigate this novel issue. Numerous high-profile cases centered around the process of interrogation in that decade. Cases such as *Gideon v Wainwright* (1963), *Escobedo v Illinois* (1964), *Mapp v Ohio* (1961), and *Miranda v. Arizona* (1966) all secured protections against interrogation for citizens legal rights. The last case mentioned lead to the famous 'Miranda Warning' which has been quoted all over television cop shows.

Chief Justice Warren's dissenting opinion for the *Miranda v. Arizona* case made many critical points on the interrogation process. He called back the ruling from *Chambers v Florida* (1940) which decided that "coercion can be mental as well as physical". Now, interrogators

deceive and manipulate a person into submission which leads to confession. Often, this leads to false confessions. Other countries such as Canada, Australia, and the U.K. have banned the methods found in the aforementioned manuals for this exact reason.

For reference on exact practices, Chief Justice Warren used manuals developed by O'Hara in addition to those developed by Fred E. Inbau and John E. Reid. Justice Warren's observation from the interrogation techniques is extremely accurate and sums up the overall goal. He says the following:

From these representative samples of interrogation techniques, the setting prescribed by the manuals and observed in practice becomes clear. In essence, it is this: to be alone with the subject is essential to prevent distraction and to deprive him of any outside support.

The aura of confidence in his guilt undermines his will to resist. He merely confirms the preconceived story the police seek to have him describe. (Miranda v. Arizona 1966, Online)

Some of methods which Inbau and Reid perfected would be adopted by many other manuals to include those published by the military. Those manuals include *Intelligence Interrogations* (FM 34-52, 1992), *Law Enforcement Interrogations* (FM 3-19.13, 2005), and an updated version under the same title (ATP 3-39.12, 2013). As the CID personnel will attest to, the Reid Technique is not the only method used. Modern interrogation is influenced by multiple sources. In this paper, the main focus will be those by Inbau & Reid as well as the Department of the Army.

One thing all of these approaches have in common is their overwhelming success rate at securing a confession. I propose that the reason for this is that these techniques have been engineered to destroy a person's sense of self (as theorized by William James) to the point where

making an inculpatory statement is inevitable. Although the authors of the manuals may not have been formally trained in James' theories, they are using elements which he wrote on against the suspect. One fundamental difference, however, is that James based his theories on a sort of pure 'synthesis'. James meant that a person's self will function based on the truth they perceive. Lies and deception cannot lead to true 'synthesis', or formation of one's self into a coherent whole. When a person's synthesis does come to experience problems, their sense of self will develop 'mutations of the self'. The two possible mutations James lists are 1) alterations of memory, and/or 2) alterations in the present bodily and spiritual self.

The long, destructive process of interrogation leads to these mutations with little failure. What is unfortunate is the fact that many of the confessions made to investigators are done when the person's self has been warped. The gravity of confessing guilt in an interrogation is immense in the legal system. Indeed, it is universally accepted in America that a plea of guilty is "the strongest form of proof known to the law" (JSC 2019, A8-6).

CHAPTER I

WILLIAM JAMES' THEORY OF THE SELF

In this chapter I will go over the theory of the self proposed by William James. All of this is covered in chapter 10 of his book *The Principles of Psychology* (1890). Today, James is regarded as the 'Father of American Psychology'. So then, why would it be that a sociological thesis would rest so heavily on describing a process based on a theorist who is regarded as belonging in another field entirely?

It is important to know that at the time of his writing, the distinctions between "psychology and philosophy were [not] well formed" (Lemert 2017, 126). In fact, the book which covers the theory I will be using was published a whole three years before Durkheim's *Division of Labor*. James also preceded Durkheim in the coverage of religion. The book *Varieties of Religious Experience* was published in 1902 and would influence Durkheim's 1912 book *Elementary forms of the Religious Life*.

In addition to holding the title of Father of American Psychology, James is also accredited as founding the concept of pragmatism (Turner 2006, Online). These concepts would be further developed by sociologists such as John Dewey, Charles Horton Cooley, and George Herbert Mead.

Chapter 10 from *Principles of Psychology* - which I am using as my main theoretical resource – was another influence for Dewey, Cooley and Mead. The James-ian concept of 'material Self' became the prime inspiration for 'Symbolic Interactionism' developed by Dewey and Mead (Turner 2006, Online). The 'social Self' concept from the chapter would later become the basis for Cooley's 'looking glass self' (Turner 2006, Online).

Turning now to the question why James' theory is so profound, I will reference the famous psychologist, Erik Erikson. In his discussion of 'Psychosocial Identity', he said the following:

"When we wish to establish a person's *identity*, we ask what his name is and what station he occupies in his community. *Personal identity* means more; it includes a subjective sense of continuous existence and a coherent memory. *Psychosocial identity* has even more elusive characteristics, at once subjective and objective, individual and social.

A subjective sense of identity is a sameness and continuity as an individual- but with a special quality probably best described by William James" (Erikson 1987, 675).

The important point Erikson raises is that James' theory does not rest only upon internal mechanisms but incorporates the signals one receives from the outside and social world. For this reason, the 'self' concept is both a psychological and sociological phenomenon.

Stream of Thought

To proceed with the discussion of 'the self' it is important to understand how William James characterizes thought and its processes. Chapter 9 of the same book is titled "the stream of thought". In the section, he goes over the underlying processes in great detail. To keep the coverage of this chapter short, I will only introduce the five rules which he has for thought.

Those rules are:

- 1) every thought tends to be a part of a personal consciousness.
- 2) within each personal conscious thought is always changing.
- 3) within each personal conscious, thought is sensibly continuous.

- 4) it always appears to deal with the objects independent of itself.
- 5) it is interested in some parts of these objects to the exclusion of others, and welcomes or rejects - chooses among them, in a word - all the while. (James 1890, 220)

The key concept from this section is that William James characterizes thought as an ever-flowing stream that changes depending upon the self which is synthesized. Thought is it influence so heavily by the self that "no state [of mind] once gone can reoccur and be identical with what it was before" (James 1890, 224).

The Self

William James divides the constituents of the self into two classes. The first class is comprised of the material Self, social Self, and spiritual Self. The second class is comprised only of the pure Ego.

Material Self

In short, the material self encompasses everything physical. The innermost portion of the material self is one's body. As an extension, this includes our direct family members. James uses the example of "our [family] are bone of our bone and flesh of our flesh. When they die, a part of our very selves is gone" (James 1890, 280).

After the physical body, our home is the next most important thing to material self. Just as someone would attempt to make their bodies more attractive, the impulse which "drives us to collect property" comes from the same motivation (James 1890, 281). In effect, personal belongings become a part of ourselves.

A simple example which illustrates this concept well is a child's blanket. With some children, they become extremely attached to an object to the point where they cannot function without it. In adults, this phenomenon becomes known as 'object attachment'. One recent study

showed that “participants primed with situations in which close others were unreliable reported increased object attachment” (Keefer 2012, 917). The researchers – who cited James’ theory – were demonstrating how the material self will be exhibited stronger in the case where their social self becomes vulnerable or suppressed.

Social Self

The next constituent on the list is ‘the social Self’. James describes this as “the recognition which [one] gets from his mates”. There are two very important points he raises in this section. The first is that it is our social self which drives us to “get ourselves noticed and noticed favorably by our kind” (James 1890, 281). To illustrate the desire to be recognized, he uses an example of a visiting list. James states that

“we are crazy to get a visiting-list which shall be large, to be able to say when anyone is mentions ‘Oh! I know him as well and be bowed to in the street by half the people we meet” (James 1890, 294)

In an attempt to modernize his theory, the feeling which he is describing is the same sensation one gets when they receive a like on social media.

Whenever recognition is removed, a part of the social self is damaged. This is one reason why ostracizing can be a punishment. It is a sanction based entirely on the removal of social recognition. Some prisons take this to an extreme measure with the use of solitary confinement. In a paper by Dr. Grassian, he shared his observations from a study of inmates who filed complaints against the Massachusetts Correctional Institution at Walpole (The inmates were alleging the state had violated their 8th amendment right by using solitary confinement). His finding was that “imposed solitary confinement may have substantial psychopathological effects” which “may form a clinically distinguishable syndrome” (Grassian 1983, 1453). Some

of the symptoms he saw in the inmates were “sensory disturbances... disturbances of memory and attention...” (Grassian 1983, 1454).

A second characteristic of the social Self is that “a man has as many social selves as there are individuals who recognize him” (James 1890, 281). This means that there exists multiple versions of a person and the presentation or demeanor one holds has strong influences from their social setting. A person in one social setting could be an employee and then a family member when they leave work for the day. Even though the two personas ‘belong’ to the same person, the difference in social environment significantly changes how that individual acts.

Spiritual Self

The last element in the first class of the self is the ‘spiritual Self’. It is important to note that when James uses the term “spiritual” he is not limiting the definition to a religious context. Instead, he means a person’s “inner or subjective being, his psychic faculties or dispositions” (James 1890, 283). The spiritual self is the innermost portion with relation to the mind. A sort of “sanctuary within the citadel” (James 1890, 285). When the spiritual self is at work, we are able to be introspective and engage with deep or abstract thoughts. Just as we have seen with the past two constituents, the spiritual self has multiple jobs as well.

First among them is this self is the “*active* element in all consciousness” (James 1890, 285). It holds our ability to think ourselves into a role with different motivations or drives and reflect upon how we carry out these roles. Additionally, variations in the spiritual self bring with it variations in one’s morals. Second, the spiritual self forms a “junction” at the point where “sensory ideas terminate...and motor ideas proceed” (James 1890, 285). In short, it is the linkage between our internal mind and the external world. Lastly, it serves as a ‘gatekeeper’ for the – yet

to be discussed – Pure Ego. In this capacity, the spiritual self “goes out” to meet those things which are warm and lets them enter into the Pure Ego.

Pure Ego

William James puts this constituent of the self into a different class because all others act independently of each other on a similar plane. The pure ego differs from these because this is a deeper part of one’s mind. It can be thought of as a repository, or vehicle for all other constituents to operate through. The pure ego is who one really is at their deepest level.

James uses an example of a “herd of cattle let loose for the winter”. The cattle are let loose on the wide prairie to roam as they please. As the season comes to an end the owner rounds up “all the beasts on which he finds his own particular brand” (James 1890, 317). The cattle may grow or change slightly, but all still wear the branding mark. To equate this back to the self; our various constituents may change slightly, but it is the pure ego’s ‘branding mark’ – given to us by warmth - which remind us of who we truly are and the spiritual self’s identification of the mark which leads to our realization of identity. All other things are “merely conceived, in a cold and foreign fashion” (James 1890, 314). Those things that are cold we reject as not being a part of us.

Synthesis

Moving now to how these all interact and create a whole person; James describes his concept of ‘synthesis’. This is the main goal of the of the Pure Ego, to create a unity within a person through this process. The “bringing of things together into the object of a single judgement” is the end point of synthesis but can be achieved by two means (James 1890, 315). The first route is through subjective synthesis. In this form, objects are conjoined in thought merely by their existence in the mind and similarities between them. The second form is

“objective synthesis” where thought is subjective plus predicated by “things thought-about” (James 1890, 315). The most important issue for objective synthesis, for James, is whether the self that one was yesterday is the same self that one is today. This issue is a matter of judgment, not fact (in that we all change from one day to the next in terms of subjective perception as well as infinitesimal decay that is not perceived), and requires both subjective and objective synthesis.

Rivalry and Conflict of the Different Selves

As mentioned earlier, the thought process is an always moving flow. In the same manner, there is a constant conflict or rivalry of the selves depending upon our material, social, or spiritual factors. James gives the example of a person desiring many contrasting things. For example, he wishes to be “both handsome and fat and well dressed, a wit, a bon-vivant, statesman, warrior, and saint” all at once (James 1890, 295). He rightfully mentions how many of those roles could contrast each other and he could never be all at the same. Yet, there is a drive which pulls us in different directions. Depending on what the self chooses to be “to make any one of them actual, the rest must be...suppressed” (James 1890, 295). Constituents of our self may pull in each direction but for a person to exhibit one persona all other selves “become unreal” (James 1890, 296).

Our drive to become one self over another depends “entirely on what we *back* ourselves to be and do” (James 1890, 296). Here, James is referring to our self-esteem. He goes on to say that this is derived from an equation where success is the numerator and pretensions is the denominator.

There is a pursuit that each constituent of the self has, but one that is most pertinent to the study of interrogation – and which James regards as the most interesting - is the ‘potential social self’. In this section he is discussing the reasons why a person would make a ‘conversion’ to a

new social self or commit a sort of 'social suicide'. The pulls from a "better possible social judge" can outweigh the social judges which one may currently have (James 1890, 300).

Furthermore, these motives are only further exacerbated by being in a negative state of mind such as fear or immense anxiety. When possessed by such negative emotion, a person is "without regard to what shall take its place" and will do "anything...so as to escape and not to be" (James 1890, 302).

From these concepts, James outlines how a person can be manipulated. He states:

"Neither threats nor pleadings can move a man unless they touch some one of his potential or actual selves. Only thus can we, as a rule get a 'purchase' on another's will. The first care of...all those who wish to rule or influence is...to find out their victim's strongest principle of self-regard, so as to make that the fulcrum of all appeals." (James 1890, 297).

By the manipulation of one's selves, self-esteem, and drawing out varieties of one's potential or actual self, an agent can effectively influence a subject to do as they please. The effectiveness is only further intensified through decreasing a person's ability to synthesize and placing them in a negative state of mind to the point where the consequences are overshadowed by a possible means to an end of the punishment.

CHAPTER II

THE INTERROGATION

The tactics used by the CID agents in the case study pulled from various guides. As mentioned in the introduction, Inbau and Reid were at the forefront of creating many of these concepts. That said, however, they did not rely solely upon a “Reid technique”. As SA Mike stated in trial, the Reid Technique is not a “bible as far as interrogations or interviews go...that’s one of many interview courses that we get sent to” (ROT 2009, 350). There are slight variations between the multiple interrogation manuals published by the Army and those published by civilian sources. However, in most regards, they all espouse similar tactics or ploys for investigators to use.

Creators of the manuals also try to make a distinction between an ‘interview’ and ‘interrogation’. The phrase interrogation can be seen as so mean and menacing, so in an effort to seem more friendly investigators ask to ‘interview’ a suspect. The distinction between the two is held by a thin veil. SA Mike states that “we consider the interrogation after rights advisal” (ROT 2009, 534). A suspect’s statements made before the rights advisal stage can still be admissible in fact if they are determined to be made in free will. In the case of SGT Lima, he had been in the interrogation room for 30 minutes before SA Mike went through the rights advisal stage, and he prefaced it by downplaying it saying, “this is simply a formality I have to give to you”. Before going too in depth of what happens in an interrogation room, there many things which precede it which must be covered first.

Background Information

Once a suspect has been identified, the first thing investigators do is compile as much background information they can. The data they collect covers two topics. First is all forensic data, or eyewitness statements. The second is background information on the suspect. The CID team had created a document titled “Background Personality Traits” for SGT Lima as well as suspects who were related to the case. This document allows the investigators to prepare for the rapport building phase (covered later) as well as establishing what things a person may be invested in. As James mentioned, investigators must have an idea of what someone holds dear if they ever intend to get a hold over their will.

Isolation

Again, we run into a term which investigators shy away from using. The phrase they use is ‘privacy’. Inbau states that “the principal psychological factor contributing to a successful interrogation is privacy” (Inbau et. al 1986, 24).

From a sociological standpoint, privacy is the removal of all other social support. From the view of James, this is an attack against one’s social self. In an effort to confirm this in trial, the Defense Counsel questioned SA Mike on this ploy. You can see his animosity to confess that it does remove social support:

“DC: as it pertains to the privacy aspect, you need to isolate the person you’re going to interrogate; is that right?

SA Mike: Yes, sir.

DC: And the whole point of this one-on-one privacy concept is to separate the person that you’re interrogating from any sort of social support?

SA Mike: Sir, it’s not for social support. We do it so their input--their testimony isn’t

influenced by someone else...

DC: I'm sorry. I'm asking you--the question I specifically asked you is, and I'm going to repeat it. I'm not talking about Leahy specifically; I'm talking about the Reid—the one-on-one concept for Reid. That's what I'm asking you about. The whole point of this one-on-one concept is to separate the person you're interrogating from social support. That was the question.

SA Mike: Yes, sir.

DC: Okay. And your answer to that is affirmative or negative?

SA Mike: It's, yes, sir.” (ROT 2009, 533)

In this case, however, SGT Lima was sequestered an entire day before the interrogation took place. He was ordered to report to the Executive Officer and was then taken to an off-base residence owned by another officer. SGT Lima was not allowed to retrieve personal belongings from his own quarters, leave the presence of the officer, or make any personal phone calls. SGT Lima had been in social isolation for a whole 17 hours before the interrogation ever began. When he did arrive at the CID station, he was placed in the interrogation room.

The Room and Personal Belongings

By the time a suspect is placed into the interrogation room, many personal effects such as phones, watches, or jewelry are removed from them. One exception is wedding bands since these can be used by investigators to remind the suspect to “do the right thing for their family”.

The manuals all describe using a similar setup for the interrogation room and include diagrams. The rooms are small, and very bland. There may sometimes be a small desk or table located but should not “become a physical barrier” (FM 3-19.13 2005, 4-8). The manuals also describe the specific types of chairs to use. For the suspect, they get a standard four-legged chair

that is “comfortable but not mobile” (FM 3-19.13 2005, 4-8). This is very different from the nice chair the investigator gets which “should be equipped with rollers” (FM 3-19.13 2005, 4-8). The investigator will use this mobility to their advantage. As an interrogation continues, they may get closer in an effort to seem more personal.

Even though it may seem like just a boring, government room it is much more than that from a James perspective. This room creates a sterile environment where the suspect has no ability to rely on their material self. Their material belongings have already been removed by this point which means a part of their material self suffered as well.

Rapport Building Phase

When SA Mike finally met SGT Lima, the rapport building phase finally began. Again, we have deceptive statements when SA Mike was questioned in trial.

DC: And at this point you immediately engaged in ... the technique known as “Rapport Building”; is that right?

SA Mike: Yes, sir.

DC: Now, and what is the “Rapport Building Technique?”

SA Mike: It’s me getting to know the suspect, and the suspect getting to me know me because I had never met them before. I don’t know what kind of person they are; I don’t know anything about them at that point...So it’s basically an opportunity for us to get to know each other, kind of break the ice a little bit.

DC: And when, usually, do you start this rapport building?

SA Mike: As soon as I shake hands with the person. So, as soon as I go meet ... and shake hands and introduce myself, I'm rapport building, sir.

SA Mike says it's his time to get to know the suspect because "I don't know what kind of person they are". This statement contradicts testimony he made earlier in the trial. SA Mike attested that he reviewed the document called "background personality traits". They might not have formally met, but details about SGT Lima were already known. Things such as his religious affiliation, marriage status, job description, personality traits, and his admiration towards the Company 1st Sergeant who was being interrogated in another room at the same time.

The first goal of rapport building is to establish a level of cooperation through getting buy in and being liked. The manual states that an investigator must try to convey "genuine concern for the interviewee" (FM 3-19.13 2005, 4-10). They use a fake sincerity and only have to have the appearance of caring. A second task an investigator must do in this phase is "identify and assess potential motivations, interests, and vulnerabilities" (ATP 3-39.12 2013, 3-4). SA Mike already had a decent understanding, but by this point he was simply confirming SGT Lima's "potential or actual selves" which could be used against him (James 1890, 297).

In this stage, SA Mike did go through a phase where he asked for more 'biographical data'. This was really just another part of the rapport building as much of the information was already known. Throughout the whole phase, he asks SGT Lima about dates he was deployed how long he had been married, etc. After every answer given, SA Mike would go on a rant about some similar experience. For example, he asks SGT Lima "How long have you been with [your current unit]". After SGT Lima's response, SA Mike went on a monologue about how he was deployed with that unit in 2002 (a year before SGT Lima), how he used to be a combat engineer

with the unit, going in front of an NCO promotion board, and how he was close to one of the Officers that died during SGT Lima's first deployment with the unit.

This back and forth went on for over 30 minutes before SA Mike made any mention about the case SGT Lima was being investigated for. Even though it may seem as just meaningless small talk, there lies a deeper sociological effect. By feigning commonalities between themselves and the suspect, investigators are in essence creating a synthetic social self. The closer an investigator can get their synthetic social self to that of the suspect, the more cooperation they will get out of them. The isolation adds another layer of effectiveness since once the investigator has successfully made something that resembles that of the suspect then it is the only thing the social self has to go off of. The material and social self have already been greatly diminished by this point and now the synthetic one which has been created in that room can be manipulated even further. Furthermore, recall that James states there are "as many social selves as there are individuals who recognize him" (James 1890, 281). The investigator can pick and choose which elements they want the suspect to elicit based on how they guide the conversation. The equivalent in modern theory would be mental priming, but it is being used on one's social self.

Techniques to Manipulate Self-Esteem

After both privacy and rapport have been properly developed, their material and social self have been attacked heavily and the subject is usually feeling a decent amount of stress. The investigator is now on a path to manipulate the self-esteem of a suspect until they reach the point where James mentioned a person doing "anything...so as to escape and not to be" (James 1890, 302).

This phase is categorized by going the details of the event in question and manipulating the stress which a subject feels by the use of various ploys. Most of these terms are taken from FM 34-52 since it does the best job of listing them, but – again – the general principles are found throughout the various manuals. It should be noted that there for most approaches there is a positive and negative version. The positive seeks to increase that emotion where a negative attempts to decrease the emotion. The statements of the CID agents from the interrogation will be used as an example of the techniques.

Emotional Approach

There are two versions of this method; Emotional Love and Emotional Hate. The motivating emotions may be “greed, love, hate, revenge, or others” (FM 34-52 1985, 3-15). This technique is extremely versatile, and the interrogator may use the situation positively or negatively depending on what they want the suspect to elicit.

The Emotional Love works well on subjects who have “great love for his unit and fellow soldiers”. In this approach, the interrogator “must focus on the anxiety felt by the [subject]”. They will attempt to “direct the love” the subject feels towards “the appropriate object: family, homeland, or comrades”. The interrogator will attempt to display sincerity, conviction, and genuine concern for the subject. They will “orchestrate some futility” to hasten the breaking point. The main motivation for the subject will be to seek relief through cooperation with the interrogator.

This approach was extremely effective on SGT Lima. SA Mike knew that he was a medic, loved his unit, and looked up to the Company 1st SGT.

“1SGT, stand-up guy. He took responsibility. He said you know what, it’s all me. There’s no difference between you and 1SGT, there’s no difference between you and SFC M.

Y’all are a band of brothers. You all did what y’all thought y’all had to do at that time.”

The opposite direction of this method is Emotional Hate. It was not used much against SGT Lima, but there were two cases of it. The CID agents were using this tactic to elicit a hatred for his superior for putting him in a tough situation. SA Mike also tried to make it seem like he couldn’t trust his comrades and might’ve not been safe around them at one point. After these attempts were tried, they were not used again because of their ineffectiveness

“a lot of the people I talked to yesterday were worried about being that one guy who told everything. But now, it’s more like being that one guy who didn’t say anything. Every single person has said that [1SGT] ordered the call.”

“I could understand why someone wouldn’t report it. Any one of these guys was probably scared to report this, because any one of these guys would probably kill [them] in [their] sleep.”

Fear Approach

This is when the interrogator uses the subjects pre-existing fear about a situation. Works best with “young, inexperienced [subjects]” or those who seem very anxious (FM 34-52 1985, 3-16). The source of the fear may be reasonable or unreasonable. All that matters is that the fear is felt, not necessarily if it’s logical. In this method, an interrogator will try to convince the subject that the interrogator is not the “the object to be feared” but instead a “possible way out of the trap”. The interrogator will confirm the subjects fear, remind them of unpleasant consequences, and try to come off as the only person who can save them. SA Mike used SGT Lima’s wife and the potential of a future family in this method.

“Right now, it’s about deciding whether you’re going to have hamburger meat or steaks in the freezer from now on. What you have to think about is yourself and your wife how you’re going to provide for your wife and your future kids...and that depends on what you say here”

A ‘fear down’ approach is mainly used when a subject fear could get in the way of them cooperating. This approach has the added benefit of developing rapport and communication as a subject “will readily respond to kindness”. The interrogator may divert questions to focus on why the subject is anxious. Very often this technique includes touching (usually a hand on the shoulder) or getting on “the same physical level” as the subject. As the Field Manual states, however, the interrogator is “under no duty to reduce a [subjects] unjustified fear”. They may manipulate fear and will commonly reduce illogical fears and confirm logical fears. Decreasing SGT Lima’s fear of being seen as a horrible, immoral person was the focus of this ploy.

“Were these guys monsters who go around killing people, or were they just fed up and made a bad call...I think the 1SGT made a bad call”

“I have no doubt these [detainees] needed to be killed”

Pride and Ego

A Pride and Ego up approach works best on “low-ranking enlisted, junior grade officers”. The interrogator may use a tone of “somewhat-in-awe” or speak highly about the subject. They may even blow things out of proportion and make small details about them – usually background info - seem very important. The Field Manual instructs interrogators to look out for body language such as: raising of the head, a look of pride in the eyes, swelling of the chest, stiffening of the back” (FM 34-52 1985, 3-17). Those are indicators that the method is working well.

“The best thing you can do in a situation like this is own up and be a man and I applaud you for doing that.”

Futility or We Know All Approach

In this method, the interrogator attempts to convince the subject that all “resistance to questioning is futile”. Therefore, there is no use to deceive or be uncooperative. For this method to work well, it is best for the interrogator to have factual information – and the more of it, the better the results. The ‘factual’ information must be presented in a “persuasive, logical manner” with a “matter-of-fact tone”. The Field Manual states that in addition to using the ‘factual’ material, they must also be aware of and exploit the source's psychological, moral, and sociological weaknesses” (FM 34-52 1985, 3-18). The interrogator may blow things out of proportion by saying that the quickest way to solve the issue is to cooperate.

“We have enough [evidence] from other people to say that you guys are caught. Now is your chance to say what happened from your perspective.”

“We know who was present, we know the location where the detainees were taken, we know they were kicked into a reservoir.”

Once the Suspect’s Self is Broken

After a suspect has been broken down, there is immense pressure and reluctance to admit to such a grievous crime. In an effort to ease them into making confessions, investigators use a technique called “presenting an alternative question”. This allows the suspect the ability to choose “between two explanations for possible commission of a crime” (Inbau et. al 1987, 165). For SGT Lima, the CID Agents had been downplaying the seriousness of the offense and offered many excuses to have done it. After he had been broken down, the Special Agent said the following:

“All we are asking you to do is tell us why from your perspective

You guys were in a situation out there where you had to make some tough decisions. You had to make a decision to do something important to save the lives of our future soldiers...Everybody makes mistakes, are you a monster who has no feeling who isn't willing to admit when they make a mistake. Or, are you the kind of person who says you know what yeah and take responsibility? ...This is not something you could say "I'm some terrible guy, I was itching to kill him".

SGT Lima replied: "No, I wasn't itching to kill them."

SGT Lima was given the opportunity to choose between confessing to either being a bloodthirsty animal, or just someone who was following orders and trying to protect the people he cared about. This admission opened the floodgates for SGT Lima. From here he went into as much detail as he possibly could recall. The last step was to get him to type a statement and sign it, which he did.

CHAPTER III

WHAT'S SO WRONG WITH CATCHING A CRIMINAL?

SGT Lima was initially being investigated for his alleged participation for the killing of detainees in Iraq. In 2007, his unit was taking part in arresting known insurgents and then handing them over to the local police station run by the Iraqi government. At the time, however, many of the individuals that his unit arrested and handed over would find their way back onto the streets and eventually engage in combat against US Troops after release.

One day, SGT Lima's combat patrol came under small arms fire. The enemy contact subsided shortly after it began. In an effort to investigate where the enemy engagement came from, they questioned multiple individuals which eventually led to their discovery of a weapons cache and the suspected insurgents. The original plan was to bring the weapons and detainees to the detention center, but while the convoy was enroute, they were advised that there was not enough evidence to hold the suspected insurgents.

It was at this point when SGT Lima stated that the 1SGT decided not to release the detainees. Instead, they dropped off the weapons and the 1SGT instructed the convoy leader to go to a canal. Upon arrival, SGT Lima and SFC M followed the lead of 1SGT where they "lined [the four detainees] up and shot them". SGT Lima confessed to shooting two of the four.

The CID agents were also able to get SGT Lima to confirm another incident that occurred approximately canal shooting. On this occasion, SGT Lima was responding to the aftermath of a firefight between a US convoy that hit an IED and Iraqi insurgents. Upon arrival, he began treating the insurgent who had been shot through the leg by the turret of a Humvee. His attempts to stabilize the Iraqi were futile and said that the insurgent would probably not survive the drive

back to the Combat Support Hospital. SGT Lima stated that “after driving for about 10 minutes... 1SGT pulled him out of the Bradley...and shot [the insurgent] twice in the chest”.

An Upgrade of Charges

I do not wish to say that SGT Lima was devoid of any and all guilt, but what ended up happening to his charges is the reason why this theming done by investigators is so dangerous. The killing of the detainees would already carry with it grave charges. The point where the waters become murky, however, is what he was finally convicted of. Instead of a conviction of homicide, SGT Lima was found guilty of pre-meditated murder.

After his sense of self was broken, he was simply confirming the story as told by the CID Agents. The fine distinction between a murder charge and pre-meditated murder was whether or not he had made plans and conspired to kill these detainees. So then, did CID unveil these secret plans or possibly a journal where they wrote down their intentions to kill insurgents for joy? No, instead the ‘premediated’ portion came from SGT Lima’s sworn statement. the following dialogue took place between the Special Agent and Lima:

Q: How were you selected to be one of the individuals that killed the detainees at the canal?

A: I wasn’t selected. I just followed 1SGT up there

Q: Did 1SGT ask who would help him kill the detainees?

A: I don’t remember. I don’t want to say yes, and I don’t want to say no. But I knew that when I followed him, that I would end up shooting the detainees. I’m not stupid. I knew what was going on.

Q: Did you shoot the detainees to kill them?

A: Yes

...

Q: Was the killing of the detainees at the canal planned?

A: Before we left the COP, 1SGT said something to SFC M, but I didn't hear the conversation. Obviously, it was where to go, and what was going to happen. We left the COP and headed toward the canal. Somebody in 1SGT's vehicle asked, "where are we taking these guys now"? 1SGT said something like we're going to go shoot these guys. I don't want to put words into his mouth, but I can't remember specifically, what he said.

Because SGT Lima did not answer negative to the question posed by CID on whether it was planned, his statements were seen as confirming a premeditated murder charge. All of this absent of any true plan to go out and kill the detainees or him being able to hear the conversation between SFC M and the 1SGT or any documented plan to go commit these crimes. He was simply following the lead of someone who he trusted with his life.

Additionally, the upgrade of these charges meant a completely different sanction. SGT Lima had no idea the legal weight behind the statements he made. As per the UCMJ, a premeditated murder charge is the only crime which carries a mandatory minimum of 25 to life without parole. The defense would later attempt to get his statements suppressed citing how manipulative and harsh the tactics used against him were. The defense cited various other UCMJ cases to back their suppression argument. The Judge denied the request and they were accepted into evidence. Missing from the government's exhibits were all the forensic evidence (to include the recovered bodies) which CID agents claimed to have. The reason why that was never used in court was because it was all a lie. Another lie by CID was them telling SGT Lima that the 1SGT was "spilling his guts". In reality, 1SGT immediately invoked his rights and was never

interrogated. The Government was able to convict SGT Lima based entirely upon confession, and the statements of other people.

SGT Lima on the Witness Stand

To close this chapter, I believe it would be best to hear from SGT Lima what he experienced and his reflections on the interrogation process. During his Article 39(a) hearing, the Civilian Defense Counsel called SGT Lima to the stand. The following dialogue took place:

“Q: Now, you’ve obviously spent a lot of time deployed. How important is it, if at all, in a combat environment, that you be able to trust individuals in positions of authority over you?

A: You have to trust the people that are over you, sir. You have to trust the people that are in charge of patrols. Otherwise, missions will not get accomplished.

...

Q: Anytime during your experience in the Army, do you ever feel that those who served in positions of authority over you were not acting in your best interest?

A: No, sir.

Q: How, if at all, did your view of [SA Mike] as an authority figure impact on your decision to waive your rights?

A: Well, him being a superior over me, sir, I believed that he would steer me in the right way, sir. The way he took control of the situation, he told me that he was going to be upfront, he was going to be honest with me. I had no reason not to trust him, sir.

Q: Now, you mentioned that you’d always felt during the course of your military career that the superiors whom you’d served, had your best interests in mind. Did you feel any different in this regard as it pertained to [SA Mike]?

A: No, sir.

Q: Why is that?

A: Because in my military career, I never had a leader that steered me the wrong way, that didn't look out for mine or his subordinates' best interests, sir.

...

Q: Well, did he mention to you about being a suspect and not an accused?

A: He told me that it was very important that I understand that I'm not being accused of anything, that I'm just a suspect at the time, sir....

Q: Did he explain the difference between being an accused and being suspected to you?

A: He did not, sir.

Q: Now, how did this impact you at the time? What were you thinking?

A: Well, if I'm not being accused of anything—I figured if I wasn't being accused of anything, then the seriousness of what's going on, it wasn't as serious as it was, sir..." (ROT 2009, 153)

CDC then went on to talk about how much SGT Lima looked up to the 1SGT and asked how SGT Lima felt after CID stated that "[1SGT was] spilling his guts, telling the CID agents everything."

"A: It had a huge impact on me ... I honestly felt I had no choice but to go ahead and confess, sir.

Q: And why is that?

A: I mean it had to be the right thing to do if the First Sergeant was doing it.

Q: What did [SA Mike] say?

A: He said it was time for me to decide if for the rest of my life I wanted hamburgers in

my refrigerator or steaks in my refrigerator, sir.

Q: What did you take that to mean?

A: That in order to have the good life, I needed to go ahead and confess so I could have the 'steaks in my refrigerator.' And if I didn't, then I would be living the poor life, sir.

Q: How did that impact your later decision to make an inculpatory statement?

A: Like I said, I was made to believe that if I were to confess, then I would be living the good life, sir...." (ROT 2009, 155)

CONCLUSION

Many people have beliefs which are formed from television shows on what an interrogation does and the implications the process has. It is a common idea that “if someone is completely innocent then they have nothing to fear”. In addition, people have false beliefs about the necessity of forensic evidence.

While it is a fact that SGT Lima in this case was not completely innocent, it was not true that the offense he committed was “premeditated murder”. SGT Lima was the subject of theming done by the interrogators to which he inadvertently found himself facing these grave charges. Just as Chief Justice Warren said, SGT L simply affirmed “the preconceived story” that CID wanted him to describe (*Miranda v. Arizona* 1966, Online).

In the military, a premeditated murder charge carries with it a mandatory minimum of 25 years with no possibility of parole. This fact was never explained to SGT Lima and he did not have full capacity of what it was his words truly meant in the eyes of the law. These complex issues could have been explained if he had taken his right to counsel.

Secondly, bodies of the detainees were never found. SGT L was convicted based exclusively on his own confession and corroborating witnesses. The law views these confessions as stronger evidence than the actual evidence of a crime committed.

The reason why these techniques are so effective is because they reduce one’s ability to resist confessing to things which they may not have even done. It does this by drastically reducing one’s self, leaving them grasping at some way to make sense of the world. These confessions which a person makes is a means to an end of the torturous psychological games

being played. Often, if a subject has mental health issues which are not taken into account by interrogators the effect of false confession is only exacerbated.

These techniques are used by almost all interrogators in the United States. Therefore, any American who becomes the subject of a criminal investigation could fall victim to the mental manipulation of law enforcement. Even if they do not find themselves in the bare room of interrogation, if another individual can make inculpatory statements then that is all which is needed to bring charges against someone.

It is unfortunate that these processes are rarely covered by sociologists. In the criminology field, most attention is focused on things that happen before a crime is said to be committed and desistance from crime. In addition, the data collected by places like the FBI which are often used in criminology only deal with arrests. Once an arrest is made, then statisticians often see that as committing a crime. Research on the process between arrest and conviction is an extremely barren field which needs to be discovered in more depth if a wholistic approach to criminology is to be taken.

WORKS CITED

- Erikson, Erik. 1987. *A way of looking at things. Selected papers from 1930 to 1980*. Edited by Stephen Schein, PhD. Norton & Company. New York London.
- Grassian, Stuart. 1983. *Psychopathological effects of solitary confinement*. American Journal of Psychiatry 140.11: 1450-1454.
- Headquarters, Department of the Army. 2013. *Law Enforcement Investigations*. (ATP 3-39.12). Washington, D.C.
- Headquarters, Department of the Army. 2005. *Law Enforcement Investigations*. (FM 3-19.13). Washington, D.C.
- Headquarters, Department of the Army. 1992. *Intelligence Interrogation*. (FM 34-52). Washington, D.C.
- Inbau, Fred E., John E Reid, and Joseph P. Buckley. 1986 *Criminal Interrogation and Confessions*. 3rd Ed. Baltimore: Williams & Wilkins. Print
- Joint Service Committee on Military Justice. 2019. *Manual for Courts-Martial*. Washington D.C.
- James, William. 1890. *The Principles of Psychology*. New York: H. Holt and Company. Print
- "James, William (1842-1910)." 2006 Cambridge Dictionary of Sociology, edited by Bryan S. Turner. Cambridge University Press, 1st edition. Online
- Keefer, Lucas A., Mark J. Landau, Zachary K. Rothschild, and Daniel Sullivan. 2012 *Attachment to objects as compensation for close others' perceived unreliability*. Journal of Experimental Social Psychology. 48.4: 912-917.
- Miranda v. Arizona. 384 U.S. Supreme Court 436. 1966. Justia US Supreme Court Center. Online

"symbolic interactionism." 2006. Cambridge Dictionary of Sociology, edited by Bryan S. Turner, Cambridge University Press, 1st edition. Credo Reference. Online

United States of America v. Michael Leahy. 2008. Defense Brief on Motion to Suppress Statement of the Accused.

United States of America v. Michael Leahy. 2008. Governments Response to Defense's Motion to Suppress and Motion to Admit the Statements.

United States of America v. Michael Leahy. 2009. Record of Trial. Vilseck, Germany.

Woody, William Douglas and Krista D. Forrest. 2020. *Understanding Police Interrogation, Confessions and Consequences*. New York. New York University Press.